

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In re:

HILLARY HANH DUONG,

Debtor.

Case No. 07-11353-RGM
(Chapter 7)

MEMORANDUM OPINION

THIS CASE is before the court on the debtor's motion to reopen her case so that she may file her Certificate of Completion of Instructional Court Concerning Personal Financial Management.

This case was filed on May 28, 2007. The trustee filed a Report of No Distribution on July 3, 2007. The case was closed on February 6, 2008, without a discharge because the debtor failed to file a certificate that she had completed her debtor education course. On March 3, 2008, the debtor moved to reopen this case. The motion to reopen gives no reason why the debtor failed to complete her debtor education course.

The court exercises its discretion in reopening cases to permit debtors to file a certificate of completion of the debtor education course and thereby obtain a discharge. In this instance, no reason was given for the debtor's failure to comply with the requirement of the Bankruptcy Code. The court notes that the clerk gave the debtor express notice of the requirement on June 2, 2007, and of the deadline of August 16, 2008; the extended period of time between the clerk's notice and the closing of the case; and that the debtor education was not completed after the case was closed. The exercise of discretion requires facts upon which a decision may be reasonably made. Without a satisfactory explanation, the court is, in effect, abrogating the deadline.

The court notes that the dismissal of the case is without prejudice.

Alexandria, Virginia
March 19, 2008.

/s/ Robert G. Mayer
Robert G. Mayer
United States Bankruptcy Judge

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